

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

CONTINENTAL D.I.A. DIAMOND
PRODUCTS, INC., a California corporation,

Plaintiff,

vs.

DONG YOUNG DIAMOND INDUSTRIAL
CO., LTD., a South Korean company,
DONGSOO LEE, an individual, and DOES 1-
10, inclusive,

Defendants.

Case No. CV 08-2136 SI

**SECOND JOINT STIPULATION AND
[PROPOSED] ORDER FOR
MODIFICATION OF CASE
MANAGEMENT SCHEDULE AND
TRIAL DATE**

Judge: Honorable Susan Illston

Complaint Filed: April 24, 2008
Trial Date: February 16, 2010

AND RELATED COUNTERCLAIMS.

STIPULATION

WHEREAS, Continental D.I.A. Diamond Products, Inc. (“Continental” or “Plaintiff”) and Defendants Dong Young Diamond Industrial Co., Ltd. and DongSoo Lee (collectively “Defendants”) continue to engage in settlement discussions, which respective counsel believe will lead to a final resolution of this matter;

WHEREAS, while the parties have made significant progress in such settlement discussions, due to the time-zone and communication challenges faced by counsel for Defendants, such

1 discussions are taking longer than original expected;

2 WHEREAS, counsel for the parties believe that an additional thirty (30) day suspension of
3 applicable deadlines in this case will allow the parties and counsel to continue to devote their
4 attention and resources to a final resolution of this matter, and

5 WHEREAS, the agreed upon extension of the fact and expert discovery deadlines,
6 dispositive motion deadlines and the trial date is not for the purpose of delay, and the parties believe
7 that this reasonable extension of time may well obviate the need for trial in this matter, and is in the
8 interests of fairness and judicial economy.

9 ACCORDINGLY, the parties, by and through their undersigned counsel, HEREBY
10 STIPULATE as follows:

11 In order to avoid prejudicing the parties' discovery efforts and trial preparations, and to
12 allow the parties to focus on settlement negotiations, the parties agree and respectfully request that
13 the current pre-trial schedule be modified as follows:

14 1. The fact discovery cut-off, which is currently set for November 5, 2009, is extended
15 to December 7, 2009;

16 2. The deadline to designate experts, which is currently set for December 14, 2009, is
17 extended to January 13, 2010;

18 3. The deadline to designate rebuttal experts, which is currently set for January 7, 2010,
19 is extended to February 8, 2010; and

20 4. The expert discovery cut-off, which is currently January 25, 2010, is extended to
21 February 24, 2010.

22 5. The dates for dispositive motions is extended for thirty days, to the following
23 schedule:

- 24 • Dispositive Motions Due: December 30, 2009
25 • Oppositions Due: January 11, 2010
26 • Replies Due: January 21, 2010

27 6. The hearing on dispositive motions, which is currently January 15, 2010, is reset for
28 February 15, 2010, or as soon thereafter as the Court's schedule permits.

7. The pretrial conference, which is currently March 2, 2010, is adjourned for thirty days, to April ⁶, 2010 or as soon thereafter as the Court's schedule permits.

8. The trial date, which is currently March 15, 2010, is adjourned for thirty days, to
19
April 14, 2010 or as soon thereafter as the Court's schedule permits.

9. All other deadlines are tolled for 30 days as of the date of this stipulation.

IT IS SO STIPULATED BY THE PARTIES.

Dated: September 29, 2009 MINTZ LEVIN COHN FERRIS GLOVSKY AND POPEO P.C.

/s/ Jeffrey M. Ratinoff

Attorneys for Plaintiff/Counter-Defendant,
Continental D.I.A. Diamond Products, Inc.

Dated: September 29, 2009 PRETI FLAHERTY BELIVEAU & PACHIOS, LLP

/s/ Alfred C. Frawley

Attorneys for Defendants/Counterclaimants,
Dong Young Diamond Industrial Co., Ltd., and DongSoo Lee

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated:

Susan Illston

**THE HONORABLE SUSAN ILLSTON
UNITED STATES DISTRICT COURT JUDGE**